

“No!” The sail proved to be the Kapiolani, and Kealahua, the soldier who sighted her first has received his reward. The schooner was right ahead of the steamer when sighted and the latter was heading SE by E, at the time distant about 100 miles from Honolulu, bearing SW. The runaway crew lowered their sails, seeing that they were captured. A boat was lowered and manned and Mr. Dayton took with him eight soldiers. Captain Cook and his crew were taken on board the C. R. Bishop and placed under arrest, a crew being placed on board the schooner. She was taken in tow and the steamer headed for Honolulu. The homeward course was NE by N. The crew of the schooner consisted of J. W. Cook, captain; Henry Hanley, Jas. Swan and Michael Boylan. They appeared before the Police Magistrate on Tuesday morning on a charge of barratry, and were committed for trial. Chapter 76 of the Penal Code reads as follows:

“If any Captain, or other officer, or mariner of a ship or vessel on the high seas, or any other waters, within the admiralty or jurisdiction of the Kingdom, shall piratically or feloniously run away with such ship or vessel, or any goods or merchandise on board such ship or vessel to the value of \$500, or yield up such ship or vessel voluntarily to any pirate, every such person so offending shall be deemed guilty of felony, and on conviction thereof, shall be punished by a fine not exceeding \$10,000, or by imprisonment at hard labor not exceeding ten years, or both, according to the nature or aggravation of the crime.”

## THE AGRICULTURIST

### SIR J. B. LAWES ON CATTLE DISEASE.

In a letter to the “Times,” after remarking upon the importance of corn growing, Sir J. B. Lawes writes:—

The absolute necessity of keeping stock for the production of milk, butter and meat is forced upon us in a manner which it never was before. Stock, however, as the main element of profitable farming, requires a large amount of capital. Corn can be grown, by means of artificial manures, very little capital, and when the manure bill is paid, as it often is after the corn is sold, this capital is not furnished by the farmer. But a good dairy cow is worth about \$150, and a ewe from \$15 to \$20; the question, therefore is,—where is the large amount of capital required for stock farming to come from? The present tenant farmer requires more capital, and you want to tempt fresh capital into agriculture to fill the place of that which has unfortunately been lost under the influence of the late bad seasons. Granting that stock farming is profitable, exclusive of the risk of disease, what is this value of the risk? I should be very sorry to advise any young man who had a few thousand pounds in his possession to embark in farming. I should say to him, you cannot farm profitably without stock, and some disease, which all your precautions cannot prevent, may cripple your resources at any moment. A banker must naturally hesitate to accommodate farmers freely when he knows that their prosperity is bound up in the health of their stock.

The direct loss arising from the last outbreak of foot-and-mouth disease must be very great, but the indirect loss arising from the various restrictions imposed upon farmers is a tax upon the whole agricultural interest. It is not to be wondered at that a general feeling of insecurity prevails; no one can tell when the next importation of disease will take place or what form it will assume; but, however great may be the precautions to prevent it, we can hardly expect the disease will not sooner or later be introduced.

I recently purchased a frozen New Zealand sheep, and I can testify that the quality and flavor of the mutton were superior to those of the average from home-bred sheep. The absolute prohibition to bring live animals into the country would merely alter the form of the trade, and need not be done until sufficient time had elapsed to enable the necessary changes to be made. But if a law were passed that after a certain date no imports of live stock should take place, it would tend greatly to revive agriculture, and would tempt a large amount of capital into the business of farming, and I am by no means certain that the result would not be a reduction, rather than an increase, in the price of meat. The import of lean stock to be fat-

tened in this country would really be a great boon to farmers, but is rendered impossible owing to the risk of disease. I have thus endeavored to show that the future prosperity of agriculture is bound up with stock, and that the profits arising from stock farming, apart from disease, are sufficiently remunerative, while corn farming alone has ceased to be so.

The Agricultural Holdings Act, now coming into operation, was passed in the interest of the tenant, the only excuse for legislation which had for its object the interference with freedom of contract being to give the tenant a legal claim for his unexhausted improvements, and thus to encourage a higher class of farming. If, therefore, it has been thought desirable to protect the tenant's interest in the soil, much more is it necessary to protect his flocks and herds from the ravages of imported disease. It was argued by some that without an Act of Parliament he was quite competent to protect himself against his landlord; against the scourge of foreign disease, however, he is quite powerless, and I venture to think that the grievance from which he is suffering is entitled to some consideration.

### SUPREME COURT—APRIL TERM. 1884.

#### Mr. Justice McCall on the Bench.

Monday, April 21, 1884.

Rex vs. A. L. Hong, Perjury. Mr. W. R. Castle for the defendant. The defendant was arraigned upon the indictment, and allowed until Wednesday to plead.

Rex vs. Ahona. Selling liquors without a license. Appeal from 3rd Circuit. Mr. A. S. Hartwell for defendant. By consent of counsel for prosecution and defense, the defendant submitted to a fine, and the Court sentenced him to pay a fine of \$400 and costs.

Rex vs. C. Y. Aiona and Apoi. Selling liquor without license. Appeal from 3rd Circuit. Mr. A. S. Hartwell for defendants. By consent of counsel for prosecution and defense, the Court ordered that the liquor seized, except one case of beer, be confiscated and sold, and that costs be paid from the proceeds.

Rex vs. Ah Chow, Leong Tong, and Sam Chuck Sin. Larceny. Mr. Davidson and Mr. Russell for the defendants. The defendants were arraigned on the indictment, and pleaded severally not guilty.

Rex vs. Ah Lam. Assault with deadly weapon. Mr. A. S. Hartwell for defendant. By consent of counsel for prosecution and defense, the case is continued for the Term, and defendant allowed to go at large upon his own recognizances.

The Court adjourned at 2 P.M.

Tuesday, April 22, 1884.

Kahuaku (w) vs. Union Mill Co. et al. Ejectment. Messrs. E. Preston and W. R. Castle for plaintiffs. Messrs. C. Brown and J. L. Kaulukou for defendants. This case was heard by the Court, the jury being waived. The Court reserved its decision. The Court adjourned at 1:25 p.m.

Wednesday, April 23, 1884.

Kelikukua vs. J. Marsden. Ejectment. Mr. W. R. Castle for plaintiff. Mr. F. M. Hatch for defendant. Jury waived. By consent of the Court and counsel this case was agreed to be heard in vacation as of the term.

S. B. Dole vs. James L. Stevens. Assumpsit. Mr. W. R. Castle for plaintiff. Mr. W. A. Kinney for defendant. Continued for the term by consent of counsel.

Rex vs. Ah Hong. Perjury. Mr. W. R. Castle for the defendant. Plea not guilty.

Allen & Robinson vs. Kauai. Assumpsit. Mr. F. M. Hatch for plaintiffs. Default having heretofore been made herein, a mixed jury assessed the plaintiff's damages at \$93.85 with interest from date of complaint.

F. A. Kanailili vs. W. P. A. Brewer. Assumpsit. Messrs. E. Preston and J. Russell for plaintiffs. Mr. F. M. Hatch for defendant. The plaintiffs filed a discontinuance.

F. T. Lenehan et al. assignees of Lee Chat vs. Lee Loy. Assumpsit. Mr. C. W. Ashford for plaintiffs. Mr. W. A. Whiting and W. R. Austin for defendants. Jury waived. After hearing evidence and arguments of counsel, the Court rendered judgment for the amount claimed by plaintiffs with interest from date of complaint.

Makue (k) vs. C. H. Judd. Wrongful impounding. Appeal from Intermediary Court. Mr. W. A. Kinney for plaintiff, appellant. Mr. F. M. Hatch for defendant.

The Court heard the argument on behalf of plaintiff, and a motion was made to va-

cate judgment of Intermediary Court on the ground that the appeal to that Court from the District Court was not perfected. The Court overruled the motion.

Kahuahu (w) vs. Union Mill Co. Ejectment. Messrs. W. R. Castle and E. Preston for plaintiff. Messrs. C. Brown and J. L. Kaulukou for defendants. The plaintiff moved that the case be re-opened for further testimony on the part of plaintiffs. After hearing argument, the Court denied the motion.

W. H. Holmes vs. Makalua. Trespass. Appeal from District Court at Hamakua, Hawaii. Mr. C. Brown for plaintiff, appellant. Messrs. W. L. Holokahiki and J. L. Kaulukou for defendant. Jury waived. Judgment for plaintiff for \$75.

Court adjourned at 4:30 p.m.

### Chief Justice Judd on the Bench.—Before a Foreign Jury.

Thursday, April 24, 1884.

Rex vs. Ah Chow, Leong Tong and Sam Chuck Sin. Larceny in the 1st degree and receiving stolen goods. Messrs. J. M. Davidson and J. Russell for defendants. Mr. Hartwell appeared as associate counsel for the prosecution.

The jury returned a verdict of guilty of receiving stolen goods. The Court sentenced the defendants to be each imprisoned at hard labor for three years and to pay a fine of \$100 each and costs taxed at \$23.10 each. The Court adjourned at 4 p.m.

Friday, April 25, 1884.

J. K. Hanuua vs. A. Unna. Ejectment. Jury waived. Mr. W. R. Castle for plaintiff. Mr. C. Brown for defendant. Decision reserved.

J. K. Hanuua vs. A. Unna. Ejectment. Jury waived. Mr. W. R. Castle for plaintiff. Mr. C. Brown for defendant. Judgment for defendant.

Raymond de Reyes vs. Kapeka Reyes. Divorce. Mr. W. A. Kinney for plaintiff. Mr. J. M. Poepeo for defendant. Divorce granted for adultery of defendant.

Mary Mitchell vs. Louis Mitchell. Divorce. Mr. S. B. Dole for plaintiff. Defendant in person. Continued until 28th instant.

The Court adjourned at 4 p.m.

Monday, 28th April, 1884.

Louis Roderigo vs. Hollister & Co. Trespass. Appeal from Intermediary Court. Mr. J. M. Davidson for Plaintiff, Appellant; Mr. F. M. Hatch for Defendant. On motion of counsel for Appellant the case was dismissed and the judgment of the Court below affirmed.

Makue vs. C. H. Judd. Wrongful impounding. Appeal from Intermediary Court. Mr. W. A. Kinney for Plaintiff, Appellant; Mr. F. M. Hatch for Defendant. Continued for the term by consent of counsel.

James Wright vs. Kahana Wright. Mr. J. M. Poepeo for Plaintiff; Defendant in person. After a partial hearing it appeared that the suit was premature. Plaintiff discontinued the action.

The Court adjourned at 1 P.M.

Tuesday, 29th April, 1884.

### BEFORE A FOREIGN JURY.

Rex vs. Ah Ling and Ah Fong. Gauning. Appeal from Police-Justice of Honolulu. Messrs. J. M. Davidson and John Russell for Defendants. The jury returned a verdict of not guilty.

Wilder & Co vs S W Mabelona. Assumpsit. Mr C W Ashford for Plaintiffs. Default having been heretofore entered herein, a mixed jury now assessed damages at \$609.76

Mary Mitchell vs Louis Mitchell. Divorce. Continued from April 25th. Mr. Dole argued a motion for default and the Court reserved the question for the Supreme Court in Banc.

Court adjourned at 4 P. M.

Wednesday, 30th April, 1884.

Judd, C. J., McCULLY & AUSTIN, J. J., ON THE BENCH.

Kela et al vs J H Pary. Ejectment. Mr. John Russell for Plaintiff; Mr W R Castle for Defendant. Continued for the term by consent of counsel.

Rex vs Edward Erickson. Attempt at rape. Exceptions from 4th Circuit. Messrs W Austin Whiting and W R Austin for the Crown; Mr S B Dole for Defendant. Appellant. Appeal argued and submitted.

J H Wood vs J W Hingley. Appeal from judgment of Justice J. on an award. Mr W R Castle for Plaintiff, Appellant; Mr C W Ashford for Defendant, Respondent. Appeal argued and submitted.

In the matter of the estate of John Boardman. Probate appeal from Second Circuit Court. Mr F M Hatch for Appellant; Mr Paul Neumann for Respondent. Appeal argued and submitted.

In the matter of the estate of Kauai. Probate appeal from the Third Circuit Court.

Messrs. F M Hatch and C Brown for Appellant. Mr W R Castle for Respondent. Appeal argued and submitted.

Wm Colby vs E E Bailey. Covenant. Appeal from Police Court. C W Ashford for Plaintiff, Appellant; W A Whiting for Defendant, Respondent. Argued and submitted.

Mary Mitchell vs Louis Mitchell. Divorce. Question reserved. W Austin Whiting, Deputy-Attorney-General, S B Dole for Plaintiff Argued and submitted.

### POLICE COURT.

BEFORE POLICE-JUSTICE BICKERTON.

Saturday, April 26th, 1884.

Three Chinamen were charged with disturbing the quiet of night. A *nolle proes* was entered in the case of one, and the other two pleading guilty, were fined \$5 and costs \$1. A. Long was brought up on remand on a charge of disorderly conduct. Mr. John Russell appeared for the defence. The accused was ordered to file a bond in the sum of \$50 conditioned that he will not commit a similar offence within the space of one year.

Monday, April 17, 1884.

Three drunks. Bail of \$10, and \$5, forfeited. Plea of guilty in one case, and fine of \$5, and costs inflicted.

Ah Kau, on a charge of deserting her husband, was remanded until 29th inst.

Nawahine also remanded on a similar charge.

Pii entered a plea of guilty to larceny of a file, the property of J. T. Waterhouse, value 50 cents. Sentenced to 30 days imprisonment at hard labor.

Iwikua was remanded on a charge of larceny of a hat.

A hack driver was remanded for violating Rule 6 of Express Regulations.

Wm. Kahlbaum was fined \$5 for a similar offence.

Kaahanui (w) and Lepeka (w) entered a plea of guilty to disorderly conduct. Sentenced to imprisonment at hard labor for 7 days each.

### CIVIL CASES.

Loo Ting vs. Lum Ting Yim. Action on promissory note for \$51. Mr. E. ff. Ward for plaintiff; Mr. J. M. Monsarrat for defendant. Defendant pleaded a set-off of \$37.50 and admitted balance of 13.70. Defendant also admitted note.

The defendant stated that he was a store-keeper, and that he sold goods to plaintiff to the amount of \$37.30. Book introduced.

The interpreter of Court pointed that the book introduced as evidence was very irregular and suspicious.

Judgment for plaintiff for amount claimed—with commissions and costs amounting to \$59.90. Appeal noted to Intermediary Court.

C. J. McCarthy vs. John McVeigh. E. C. Rowe garnishee. Assumpsit for \$37. No appearance by defendant.

Mr. Rowe stated he had \$14.50 in his hands, the property of the defendant, at the time of service.

Judgment for plaintiff with costs amounting to \$14.55.

Four cases continued and three cases settled out of Court.

Tuesday, April 29, 1884.

Rex vs. Kahale (w) charged with assault and battery on another woman, entered a plea of guilty and was fined \$7 and costs \$1. Ah Kin forfeited \$10 bail for violating express Rule 6.

John Dougherty appeared on remand on a charge of desertion.

H. Hart testified that defendant went to him to ship on board of a vessel. He shipped him on board the steam whaler “Orca.” Witness drew an advance note and got \$50 for it on presentation to the agents of the vessel. After deducting what the defendant owed the balance was paid to him. As he did not go on board the ship, defendant had to ship another man and re-pay the \$50 to the agents.

After further evidence defendant was again remanded.

J. W. Cook, Henry Hanley, James Swan and Mr. Boylan were charged with Barratry by running away with the schooner Kapiolani and cargo on or about 24th April; vessel and cargo being valued at about \$1,500 and property of J. F. Colburn, W. Bartholomew and W. C. Akana. Mr. J. M. Davidson appeared for Cook.

W. Davis, master of steamer C. R. Bishop said that on the 26th April he received orders to go in search of the Kapiolani and bring her back to port. After speaking the schooner Mary E. Foster went to the southward and westward. After steering various courses picked up the Kapiolani on Sunday, Honolulu bearing N E by N distant 80 or 90 miles and 125 miles from Nawiliwili heads, Kauai.

Defendants remanded. Nawahine, for deserting her husband was remanded, and also Keoho for attempt at larceny.

Miloli forfeited \$10 bail on a charge of furious and headless riding.

E. Miller charged with furious driving en-

tered a plea of not guilty. Found guilty and fined \$10.

Wednesday, April 30, 1884.

Two drunks. One forfeited bail \$6, one fined \$5 and costs.

Kapu and Kauki charged with affray. Nolle proes. in case of Kapu. Kauki fined \$5. Nolle proes. entered in case of Keolia charged with larceny.

Preston Davis not answering when called upon, bail of \$500 was forfeited by the sureties Kaikala and John Li.

A nolle proes. was entered in the case of J. Doherty on the grounds of his age, defendant being under twenty years of age. Same defendant was then charged with gross cheat or obtaining money from H. Hart under false pretenses. Remanded until 3rd proximo.

Ah Kane (w) charged with deserting her husband. Plea not guilty. Ah You swore defendant was his wife. Married in China 14 years ago. When he removed defendant refused to go with him. A son produced in Court.

The Chinese interpreter testified to the nature of the ceremony performed in China as described by first witness. The Courts in China would not consider what he had stated sufficient proof of legal marriage. The marriage by town people and boat people in China is a little different. The witness was most familiar with town people's marriages. With boat people they have to walk from one boat to another.

Defendant's counsel admitted that defendant would not live with the first witness, and he moved the discharge of defendant on the grounds that there was not sufficient proof of marriage. Motion overruled.

Defendant stated that she was never married to Ah You. She also testified to being ill treated by him.

Found not guilty and discharged.

Nawahine appeared on a similar charge. Admitted leaving her husband but pleaded cause. Discharged, and costs to be paid by her husband.

J. W. Cook, Henry Hanley, James Swan, and M. Boylan were brought up on a charge of Barratry.

Mr. J. M. Davidson for Cook. Mr. John Russell for Swan.

Mr. W. McCandless stated that he sold 100 lbs. of salt beef to Swan one day last week. Delivered it on the wharf to the schooner Kapiolani. The barrel was marked Ah Sam. Waianae, at Swan's request.

Man Chip stated that he shipped 4 bags of flour by a schooner. Cook received it and signed the receipt. Cook told him the schooner was going to Ewa.

Hoo Sam stated that he shipped a box of clothing to Ewa per Kapiolani, and delivered it to Captain Cook.

E. Van Doorn, a partner in the firm of A. W. Peirce & Co., stated that he sold a chart and a quadrant to Swan, he thought; he was not positive about the man. Recognised the articles produced as those he sold. Could not swear to the book.

J. Rubenstein stated that Hyman Bros. shipped some bagging by the Kapiolani for Ewa, and took a receipt from Captain Cook.

John F. Colburn stated that he and two others were owners of the schooner. He valued her at from \$1200 to \$1500. Cook was master of her. She ran to Pearl river, and occasionally to Waianae. She was to leave on Friday morning last for Pearl river. Saw Cook last Thursday about 5:30 p.m. Told him not to go till next morning. Came down next morning between 6 and 7 o'clock and saw the schooner had gone. In consequence of what he heard, sent a man to Ewa to look after the schooner. The report was she had not gone in there, and the steamer C. R. Bishop was sent in search of her. Cook had no authority to leave port to go beyond Pearl river without speaking to witness first.

In cross-examination, Mr. Colburn stated that Cook got one-half of the gross earnings of the vessel, and had to find the crew. The schooner had never been to Kauai since he owned her.

Henry, master of the schooner Mary E. Foster, said that on Thursday he saw a schooner standing off from the harbor 8 W.

D. Dayton stated that on Saturday last he went in the steamer C. R. Bishop with the ship's papers of the Kapiolani; also a warrant from the Supreme Court for the arrest of Cook. (Described falling in with the schooner, and arrest of defendants). Boylan and Swan said they were passengers for Kauai.

### Prosecution rests.

J. W. Cook stated that he was master of the schooner Kapiolani. His arrangements with Colburn was to sail the schooner on shares. To go and come as he chose excepting when Colburn had anything particular for him to do. Went seeking freight. The trip intended to go to Ewa first and then Waimea, Kauai. When six miles off Barber Point, Swan, who was a passenger for Kauai, said, “Where are you now, Captain?” Told him. He asked me if I would not keep on and go to Kauai. Told him it was six-to-one and half-a-dozen to the other. Could not get back to Ewa. Got a light N. E. wind; steered about W. by N. It fell calm. Was drifting to the south about one to one and a half miles per hour. Six p.m. set sail wind